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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**
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10 Nikola Corporation,

11 Plaintiff,

12 v.

13 Trevor R Milton,

14 Defendant.
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No. CV-24-00563-PHX-DJH

ORDER

16 The Court is in receipt of an April 25, 2024, Letter filed by Hughes Hubbard & Reed
17 on behalf of Defendant Trevor R. Milton (“Milton”) (Doc. 41) (the “Letter”). Hughes
18 Hubbard & Reed is a law firm representing Milton, and its Letter objects to the Court’s
19 April 25, 2024, Order (Doc. 40) (the “April Order”) requiring Milton to produce documents
20 responsive to Plaintiff Nikola Corporation’s Request For Production (“RFP”) Nos. 7 and 8¹
21 by noon on April 26, 2024. (*See generally id.*) Hughes Hubbard & Reed’s position is that
22 “[g]iven the confidential and sensitive personal financial information sought by [RFP Nos.]
23 7 and 8, . . . a protective order should be entered prior to producing the information sought
24 by those Requests.” (Doc. 41 at 1). Hughes Hubbard & Reed further represents that it will

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26 ¹ RFP No. 7 seeks “[d]ocuments and communications relating to any negotiation,
27 discussion, or contemplation of the consideration to be received by You or an entity or
28 another person resulting from the Transfers” of Nikola stock at issue in this case.
(Doc. 29 at 17). RFP No. 8 seeks “[d]ocuments and communications sufficient to show
the entire extent of Your assets and liabilities, including but not limited to Your monthly
income and expenses. For the avoidance of doubt, the relevant time period for this Request
is from November 17, 2023 through [March 27, 2024.]” (*Id.*)

1 not be possible to provide documents responsive to RFP No. 8 within 24 hours due to the
 2 breadth of Milton's assets. (*Id.*) So, Hughes Hubbard & Reed requests the following relief
 3 on behalf of Milton:

- 4 (1) the date for the production of documents responsive to Request 7 be
 5 modified, such that production would be due within 24 hours of the
 6 Court's entry of a protective order;
- 7 (2) the date for the production of documents responsive to Request 8 be
 8 modified, such that Mr. Milton will produce information showing the
 9 beginning and ending amounts of his bank balances on a monthly
 10 basis from November 17, 2023 to March 27, 2024 within 24 hours of
 11 the Court's entry of a protective order, and if that is not deemed
 12 sufficient to address Nikola's allegations, Mr. Milton will produce any
 13 additional information required to show the "entire extent" of his
 14 assets and liabilities within 30 days thereafter.

15 (*Id.* at 2).

16 The Court will construe the Letter as a motion for extension of time to respond to
 17 RFP Nos. 7 and 8 in light of relief sought.² And, given that RFP Nos. 7 and 8 seek
 18 information relating to Milton's personal financial information, the Court will grant
 19 Milton's requests that his response deadlines be modified to 24 hours after the Court issues
 20 a protective order.³ However, the Court will not afford Milton the option to supplement
 21 his responses to RFP No. 8 within 30 days after his initial production. Milton *shall*
 22 supplement his initial production within 21 days thereafter, as Milton has been on notice
 23 of the Court's order for expedited discovery since March 27, 2024 (*See* Doc. 30), and
 24 cannot now claim he is unaware that his finances would be scrutinized. Milton is further
 25 cautioned that the Court will not entertain any further objections or extensions relating to
 26 RFP Nos. 7 and 8, absent extraordinary circumstances.

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28 ² Milton's Counsel is admonished for filing the objection in the form of letter as opposed
 to a motion in compliance with the Local Rules.

³ The Court is in receipt of the parties' Joint Notice of Discovery Dispute (Doc. 42) with
 respect to entry of a protective order and will address the dispute by way of a separate
 order.


1 Accordingly,

2 **IT IS ORDERED** that the April 25, 2024, Letter filed by Hughes Hubbard & Reed
3 on behalf of Defendant Trevor R. Milton (Doc. 41) is **construed** as a motion for extension
4 of time to respond to Plaintiff Nikola Corporation's RFP Nos. 7 and 8 and **granted in part**
5 as stated herein.

6 **IT IS FURTHER ORDERED** that the deadline for Milton to produce documents
7 responsive to RFP No. 7 shall be extended to **within 24 hours of the Court's entry of a**
8 **protective order**. No further extensions of this deadline will be granted absent
9 extraordinary circumstances.

10 **IT IS FINALLY ORDERED** that the deadline for Milton to produce documents
11 responsive to RFP No. 8 shall be modified as follows: Milton shall produce information
12 showing the beginning and ending amounts of his bank balances on a monthly basis from
13 November 17, 2023 to March 27, 2024 **within 24 hours of the Court's entry of a**
14 **protective order**; and Milton shall produce any additional information required to show
15 the entire extent of his assets and liabilities **within twenty-on (21) days thereafter**. No
16 further extensions of these deadline will be granted absent extraordinary circumstances.

17 Dated this 30th day of April, 2024.

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21 Honorable Diane J. Humetewa
22 United States District Judge
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